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## **Patient Choice and Meaningful Disclosure Work Group: “Break the Glass” (Medical Emergency) Subgroup**

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July 24, 2013  
10:00 a.m. – 12:00 p.m.  
James R. Thompson Center<sup>1</sup>  
100 W. Randolph Street  
Chicago, Illinois 60601

### **Action Plan**

Co-Leaders: Mark Pellegrino  
TBD

Objectives: Define the scope of patient opt-out choice in the case of medical emergency under Illinois law and make a set of recommendations to clarify applicable Illinois law, whether through adoption of appropriate regulations or the enactment by the Illinois General Assembly, regarding the permitted disclosure of patient health information in the event of medical emergency within the context of health information exchange.  
Define the scope of a self-pay patient’s right to restrict the disclosure of specific health information to a health plan or health plan’s business associate within the context of health information exchange.

Deliverables: Recommendations for Clarifying Illinois Law with respect to Opt-Out Override (“Break the Glass”) in the Case of Medical Emergency within the Context of Health Information Exchange  
Policy Recommendations for Handling a Self-Pay Patient’s Right to Restrict Disclosure of Specific Health Information to a Health Plan or a Health Plan’s Business Associate within the Context of Health Information Exchange

Resources<sup>2</sup>: ILHIE Authority Data Security and Privacy Committee Report (09/19/12) (see Opt-Out Override/Break the Glass, at p.6)  
Multi-State HIE Opt-Out Survey Resources (zip file)

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<sup>1</sup> For those unable to attend the meeting in person, there will be call-in numbers for the Work Group’s plenary session and each subgroup’s break-out session.

<sup>2</sup> Resources are available at: <http://www2.illinois.gov/gov/HIE/Pages/PCMDWorkGroup.aspx>.

## **Excerpts from “Principles and ILHIE Authority Preferences Regarding Patient Opt-Out Choice and Meaningful Disclosure”**

### **3. Data filtering triggered by “opt-out”**

#### **d. Emergency Access (“break-the-glass”)**

Preference: As the law in Illinois is unclear regarding the permitted disclosure of patient health information in the event of medical emergency without patient consent, the ILHIE Authority’s approach to overriding patient opt-out consent (“break-the-glass”) will be to seek clarification of applicable Illinois law, whether through the adoption of regulations or the enactment of laws by the Illinois General Assembly. As currently envisioned, a patient may at an emergency point of care agree to a revocation of that patient’s prior opt-out choice to enable the release by the ILHIE of that patient’s electronic medical record in response to a request from the emergency medical facility.

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